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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,479	05/17/2001	Christian Brand	44912-20054.00	2988

25227 7590 02/08/2007  
MORRISON & FOERSTER LLP  
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MCLEAN, VA 22102

EXAMINER
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NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/858,479

Applicant(s)

BRAND ET AL.

Examiner

Tu X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 11/30/06 have been fully considered but they are not persuasive.

In response to Applicants argue "The present invention provides a system which actively determines whether a base station and a transmitter are on the same side of a wall. In Georges, on the other hand, a cellular phone is working inside of a predefined structure or building (Figure 4), but not outside. Georges discloses (at col. 7, ln. 34) that a bi-directional communication between an antenna and a cellular phone is particularly working inside the structure/building. In the claimed invention, a first wavelength range is chosen to be permeable to pass walls that might be located between the base station and the transmitter. Hence, the base station and the transmitter can communicate continuously bi-direction, irrespective of whether both are on the same side of the wall, or if the wall is in between". The Examiner disagrees, Georges et al. disclose "a cellular phone 1 operates with both the RF signals 516 and 502. So cellular phone 1 works both inside and outside the building" (see col.8 lines 16-20), wherein the signal 502 (corresponds to "a first frequency range") is in range 824-894 MHZ or 1850-1990MHZ, these frequency ranges are considered permeable to the base station 500 regardless whether the mobile device is inside the building, and nowhere in the cited reference mentioned that these frequency ranges are not operable by the mobile device when it is

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inside the building. However, the only signal 516 (corresponds to "a second frequency range") is not permeable outside the building (see col.7 lines 44-45).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 10, are rejected under 35 U.S.C. 102(e) as being anticipated by Georges et al. (US Patent 6,157,810).

Regarding claim 1, Georges et al. disclose a method for detection of a location of a response transmitter which communicates with a base station, comprising:

communicating using two frequency ranges between the base station and the response transmitter (see 12A, 13A, fig.4, see col.7 lines 21-22, lines 29-30), walls being permeable to a first frequency range and impermeable to a second frequency range (see col.7 lines 44-45), such that communication between the base station and the response transmitter continues using at a first frequency range (see col.7 lines 55-56) , and simultaneously determining whether the base station and response transmitter are on a same side of the wall using at least another one of the two frequency ranges (see col.7 lines 59-60).

Regarding claim 6, Georges et al. disclose a communication system, comprising:

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a base station with a first transmitter/receiver unit for communication signals and a transmitter unit for location interrogation signals (see 196, fig.4, col.8 lines 20-21);

a response transmitter with a second transmitter/receiver (see 13B, fig.4) unit for a communication signals and a receiver unit for location interrogation signals; and

an interior space having walls impermeable to one frequency range, the communication signals being transmitted and received in a frequency range to which the walls are permeable, such that communication between the base station and response transmitter continues, and simultaneously the location interrogation signals being transmitted in a frequency range to which the walls are impermeable to determine whether the base station and response transmitter are on a same side of the walls (see col.7 line 19 through col.8 line 21).

Regarding claim 2, Georges et al. disclose the communication from the response transmitter to the base station occurring to the first frequency range (see col.7 lines 44-45).

Regarding claim 3, Georges et al. disclose the base station transmitting a communication signal in the first frequency range and a location interrogation signal in the second frequency range (see col.7 lines 55-59, col.8 lines 20-21).

Regarding claim 4, Georges et al. disclose the base station transmitting location interrogation signals selectively from one of inside and outside the space (see 12A, 13A, fig. 4).

Regarding claims 5 and 10, Georges et al. disclose the response transmitter being activated using the location interrogation signal (see col.7 lines 55-56).

Regarding claim 7, Georges et al. disclose the base station having a transmitter antenna located outside of the interior space and a transmitter antenna located inside of the interior space (see 194, 196, 192, fig.4).

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Regarding claim 8, Georges et al. disclose the response transmitter including code data which is transmitted collectively in response to the communication interrogation signal (see col.7 lines 55-56).

### ***Allowable Subject Matter***

Claim 9, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding dependent claim 9, the prior arts fail to teach "the communications system being a component of an ante-theft system of a motor vehicle, the base station being in a motor vehicle and the response transmitter being carried by a person".

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to

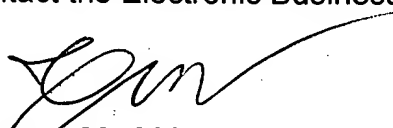
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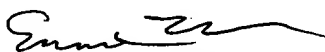
37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
January 22, 2007

  
**EDWARD F. URBAN**  
**SUPERVISORY PATENT EXAMINER**  
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